

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

THOMAS CULLINAN, Individually and
On Behalf of All Others Similarly Situated,

Plaintiffs,

v.

CEMTREX, INC., SAAGAR GOVIL,
ARUN GOVIL and RENATO DELA
RAMA,

Defendants.

Consolidated Case No.: 2:17-cv-01067

Judge Joseph F. Bianco

**NOTICE OF LEAD PLAINTIFFS' UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE that Lead Plaintiffs Umang Khetarpal, Benjamin Webb, Gang Chen, Timothy Heath, and Minh Nguyen (collectively, “Lead Plaintiffs”), by and through counsel, respectfully move this Court pursuant to Rule 23 of the Federal Rules of Civil Procedure for an order: (1) preliminarily certifying the proposed Settlement Class for settlement purposes only, appointing Lead Plaintiffs as Class Representatives and Lead Counsel as Class Counsel; (2) preliminarily approving the proposed Settlement as set forth in the Stipulation and Agreement of Settlement dated December 21, 2018; (3) approving the form and manner of providing Notice of the Settlement to the Settlement Class; and, (4) scheduling a Settlement Hearing at which this Court will, among other things, consider final approval of the Settlement.

This motion is based upon the accompanying Memorandum of Law in Support of Lead Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, the Declaration of Shannon L. Hopkins in Support of Lead Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, and all related exhibits.

Defendants do not oppose this motion.

DATED: December 21, 2018

Respectfully Submitted,

LEVI & KORSINSKY LLP

/s/Shannon L. Hopkins

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December, 2018, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/Shannon L. Hopkins

Shannon L. Hopkins